

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAYCE P. WALTERS,

Plaintiff,

v.

HOOVER & STRONG, INC., et al.,

Defendants.

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CIVIL ACTION NO. H-11-3562

ORDER

THIS MATTER is before the Court on Defendants' Motion for Exceptional Case Finding and Award of Attorneys' Fees and Expenses (ECF No. 84); Plaintiff's Objections to Court Costs (ECF No. 90); and Plaintiff's Motion for New Trial (ECF No. 88). The Court held a hearing on these motions and the objections thereto on August 12, 2013, at which time the Court found that Defendants were the prevailing parties in this matter, that this case was exceptional, and that an award of attorneys' fees in Defendants' favor is appropriate. Accordingly, the Court GRANTED Defendants' Motion for Exceptional Case Finding and Award of Attorneys' Fees and Expenses (ECF No. 84), except that the Court DENIED the Motion to the extent that it sought to hold Plaintiff's counsel liable for attorneys' fees, costs and expenses. Specifically, the Court ruled that this is not a case where any sanction should be paid by Plaintiff's attorney, and that any award of attorneys' fees, costs, and expenses is against Plaintiff only and not against Plaintiff's attorney Anastassios Triantaphyllis or any counsel who appeared in this case on behalf of Plaintiff.

Further, the Court DENIED Plaintiff's Motion for New Trial (ECF No. 88). The Court also determined that Defendants are entitled to all costs submitted in their Bill of Costs (ECF No.

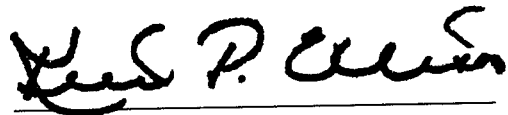
83) and, therefore, OVERRULED Plaintiff's Objections to Court Costs (ECF No. 90), except to the extent that Defendants WITHDREW the service of process fees associated with the deposition of Jill LaPrad.

Based on these rulings, the Clerk is DIRECTED to tax costs against Plaintiff in the amount of \$6,163.47 as permitted under Fed. R. Civ. P. 54(d)(1). Finding it appropriate to review the amount of attorneys' fees and related non-taxable expenses for reasonableness in conjunction with the Court's issuance of findings of fact and conclusions of law, the Court hereby **ORDERS**:

1. Within twenty-one (21) days of this Order, Defendants shall file a brief with all supporting documentation establishing the reasonable amount of attorneys' fees and related non-taxable expenses sought under Fed. R. Civ. P. 54(d)(2);
2. Within twenty-one (21) days thereafter, Plaintiff shall submit its opposition to Defendants' brief and supporting documentation, if any; and,
3. Within ten (10) days thereafter, Defendants may submit a reply brief, if any.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 30th day of August, 2013.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE